

Union Calendar No. 4

104TH CONGRESS
1ST SESSION

H. R. 440

[Report No. 104-9]

A BILL

To provide for the conveyance of lands to certain individuals in Butte County, California.

JANUARY 27, 1995

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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California.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1993

Mr. HERGER introduced the following bill; which was referred to the
Committee on Resources

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A BILL

To provide for the conveyance of lands to certain individuals
in Butte County, California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds and declares
5 that—

1 (1) certain landowners in Butte County, Cali-
2 fornia who own property adjacent to the Plumas Na-
3 tional Forest have been adversely affected by certain
4 erroneous surveys;

5 (2) these landowners have occupied or improved
6 their property in good faith and in reliance on erro-
7 neous surveys of their properties that they believed
8 were accurate; and

9 (3) the 1992 Bureau of Land Management de-
10 pendent resurvey of the Plumas National Forest will
11 correctly establish accurate boundaries between such
12 forest and private lands.

13 (b) PURPOSE.—It is the purpose of this Act to au-
14 thorize and direct the Secretary of Agriculture to convey,
15 without consideration, certain lands in Butte County, Cali-
16 fornia, to persons claiming to have been deprived of title
17 to such lands.

18 **SEC. 2. DEFINITIONS.**

19 For the purpose of this Act—

20 (1) the term “affected lands” means those Fed-
21 eral lands located in the Plumas National Forest in
22 Butte County, California, in sections 11, 12, 13, and
23 14, township 21 north, range 5 East, Mount Diablo
24 Meridian, as described by the dependent resurvey by
25 the Bureau of Land Management conducted in

1 1992, and subsequent Forest Service land line loca-
2 tion surveys, including all adjoining parcels where
3 the property line as identified by the 1992 BLM de-
4 pendent resurvey and National Forest boundary
5 lines before such dependent resurvey are not coinci-
6 dent;

7 (2) the term “claimant” means an owner of real
8 property in Butte County, California, whose real
9 property adjoins Plumas National Forest lands de-
10 scribed in subsection (a), who claims to have been
11 deprived by the United States of title to property as
12 a result of previous erroneous surveys; and

13 (3) the term “Secretary” means the Secretary
14 of Agriculture.

15 **SEC. 3. CONVEYANCE OF LANDS.**

16 Notwithstanding any other provision of law, the Sec-
17 retary is authorized and directed to convey, without con-
18 sideration, all right, title, and interest of the United States
19 in and to affected lands as described in section 2(1), to
20 any claimant or claimants, upon proper application from
21 such claimant or claimants, as provided in section 4.

22 **SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.**

23 (a) NOTIFICATION.—Not later than 2 years after the
24 date of enactment of this Act, claimants shall notify the
25 Secretary, through the Forest Supervisor of the Plumas

1 National Forest, in writing of their claim to affected lands.

2 Such claim shall be accompanied by—

3 (1) a description of the affected lands claimed;

4 (2) information relating to the claim of owner-
5 ship of such lands; and

6 (3) such other information as the Secretary
7 may require.

8 (b) ISSUANCE OF DEED.—(1) Upon a determination
9 by the Secretary that issuance of a deed for affected lands
10 is consistent with the purpose and requirements of this
11 Act, the Secretary shall issue a quitclaim deed to such
12 claimant for the parcel to be conveyed.

13 (2) Prior to the issuance of any such deed as provided
14 in paragraph (1), the Secretary shall ensure that—

15 (A) the parcel or parcels to be conveyed have
16 been surveyed in accordance with the Memorandum
17 of Understanding between the Forest Service and
18 the Bureau of Land Management, dated November
19 11, 1989;

20 (B) all new property lines established by such
21 surveys have been monumented and marked; and

22 (C) all terms and conditions necessary to pro-
23 tect third party and Government Rights-of-Way or
24 other interests are included in the deed.

1 (3) The Federal Government shall be responsible for
2 all surveys and property line markings necessary to imple-
3 ment this subsection.

4 (c) NOTIFICATION TO BLM.—The Secretary shall
5 submit to the Secretary of the Interior an authenticated
6 copy of each deed issued pursuant to this Act no later
7 than 30 days after the date such deed is issued.

8 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as necessary to carry out the purposes of this Act.